

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHAEL P. and SHELLIE GILMOR,)
et al.,)
)
Plaintiff,)
)
v.) Case No. 4:10-cv-00189-ODS
)
PREFERRED CREDIT CORPORATION,)
et al.,)
Defendants.)

**SETTLING DEFENDANTS' UNOPPOSED MOTION FOR ADDITIONAL TIME
TO ALLOW FOR FILING OF MOTIONS FOR
PRELIMINARY APPROVAL OF SETTLEMENT**

COME NOW Defendants Wells Fargo Bank, N.A.; Litton Loan Servicing, L.P.; JPMorgan Chase Bank, N.A., as Former Trustee; JPMorgan Chase Bank, N.A., as successor by merger to Chase Home Finance, LLC and EMC Mortgage, LLC f/k/a EMC Mortgage Corporation; and Deutsche Bank National Trust Company, individually and in its capacities as indenture trustee of the Impac Secured Assets CMN Trust Series 1998-1, Impac CMB Trust Series 1999-2, Impac CMB Trust Series 2000-2, Impac CMB Trust Series 2001-4, Impac CMB Trust Series 2002-1, Impac CMB Trust Series 2003-5, and Impac Real Estate Asset Trust Series 2006-SD1 (collectively, "Settling Defendants") and respectively request an additional one week, up to and including November 8, 2012, within which to finalize their respective settlement agreements with Plaintiffs and for Plaintiffs to file Motions for Preliminary Approval of Class Action Settlement. In support of their Motion, the Settling Defendants state:

1. Settling Defendants and Plaintiffs achieved agreements to settle the claims against them in this matter. The settlement agreements, if approved, will settle and resolve the claims of

those class members who obtained loans for which Plaintiffs seek to hold the Settling Defendants liable.

2. In light of these settlements, the Court suspended all deadlines relating to Settling Defendants and ordered that Motions for Preliminary Approval of Settlements be filed on or before November 1, 2012. *See, e.g.*, Dkt. E. 729; 757.¹

3. Settling Defendants and Plaintiffs have diligently been working to memorialize their settlement and implement the process through which the settlement can be finalized and submitted to the Court for approval. However, in large part because Hurricane Sandy has closed offices and disrupted operations, hampering Settling Defendants' ability to review and execute draft settlement documents, Settling Defendants require a short period of additional time to review and execute the proposed agreements.

4. Plaintiffs and Settling Defendants have agreed to file their respective Motions for Preliminary Approval of Settlement and any associated documents on or before November 8, 2012, but the parties also agree that if an additional week is required to submit such filings because of the disruption caused by Hurricane Sandy, Plaintiffs shall consent to such additional week.

5. Plaintiffs' counsel (Fred Walters, Esq.) was consulted concerning the contents of this Motion and indicated Plaintiffs do not oppose the relief requested herein and that, if required as indicated above, Plaintiffs shall consent to an additional week's extension provided it is

¹ As of the time of this filing, all major claims have been settled in this lawsuit. In light of these settlements, the Court cancelled the pretrial conference originally set for November 1, 2012. *See* Order dated October 29, 2012. Dkt. E. 788. Additionally, the Court also recently allowed settling defendants Wendover Financial Services and Wilmington Trust Company until December 14, 2012 to file any Motions for Preliminary Approval. *See* Dkt. E. 788.

necessary because the respective Settling Defendants cannot communicate with their client representatives because of Hurricane Sandy's aftermath.

6. WHEREFORE, the Settling Defendants respectfully request an additional week, up to and including November 8, 2012 for the filing of any Motions for Preliminary Approval of Class Action Settlements.

Respectfully submitted,

THOMPSON COBURN LLP

/s/ David Wells

W. David Wells
Maria G. Zschoche
Brian A. Lamping
THOMPSON COBURN LLP
One US Bank Plaza
St. Louis, Missouri 63101-1611
(314) 552-6000
(314) 552-7000 (FAX)
dwells@thompsoncoburn.com
mzschoche@thompsoncoburn.com
blamping@thompsoncoburn.com

Attorneys for Defendants Wells Fargo Bank, N.A.,

/s/ Daniel L. McClain

Daniel L. McClain, Esq. MO #43441
Christine N. Hall, Esq. MO #61914
SCHARNHORST AST & KENNARD, PC
1100 Walnut, Suite 1950
Kansas City, Missouri 64106
Telephone: (816) 268-9411
Facsimile: (816) 268-9409
Email: dlm@sakfirm.com
cjh@sakfirm.com

*Attorneys for Defendant JPMorgan Chase Bank,
National Association as successor by merger to
Chase Home Finance, LLC and EMC Mortgage,
LLC f/k/a EMC Mortgage Corporation*

/s/ Daniel L. McClain

Daniel L. McClain, Esq. MO #43441
Christine N. Hall, Esq. MO #61914
SCHARNHORST AST & KENNARD, PC
1100 Walnut, Suite 1950
Kansas City, Missouri 64106
Telephone: (816) 268-9411
Facsimile: (816) 268-9409
Email: dlm@sakfirm.com
cjh@sakfirm.com

Elizabeth A. Frohlich, *admitted pro hac vice*
MORGAN, LEWIS & BOCKIUS
One Market, Spear Street Tower
San Francisco, California 94105
Telephone: (415) 442-1000
Facsimile: (415) 442-1001
Email: efrohlich@morganlewis.com

Attorneys for Defendant Deutsche Bank National Trust Company, individually and in its capacities as indenture trustee of the Impac Secured Assets CMN Trust Series 1998-1, Impac CMB Trust Series 1999-2, Impac CMB Trust Series 2000-2, Impac CMB Trust Series 2001-4, Impac CMB Trust Series 2002-1, Impac CMB Trust Series 2003-5, and Impac Real Estate Asset Trust Series 2006-SD1

/s/ Mark A. Olthoff

MARK A. OLTHOFF MO #38572
ANTHONY BONUCHI MO #57838
MICHAEL FOSTER MO #61205
POL SINELLI SHUGHART PC
1700 Twelve Wyandotte Plaza
120 West 12th Street
Kansas City, Missouri 64105-1929
(816) 421-3355
(816) 374-0509 (FAX)
molthoff@polsinelli.com
abonuchi@polsinelli.com
mfoster@polsinelli.com

Attorneys for Defendants Litton Loan Servicing, LP and JPMorgan Chase Bank, National Association, as Former Trustee

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above and foregoing was electronically filed on this 1st day of November, 2012, with the Clerk of the Court via the CM/ECF system, which automatically transmits a Notice of Electronic Filing to all counsel of record.

/s/Daniel L. McClain

An Attorney for Defendants